

**REMARKS**

This responds to the non-final Office Action dated 28 November 2007. Claims 1, 3-7, 10-18, 21, and 22 are pending in the application. Claims 1, 3-7, 10-18, 21, and 22 stand rejected. Claims 23-25 have been added. Applicant respectfully requests reconsideration in light of the following remarks.

***Claim Rejections – 35 U.S.C. § 103***

In the Action, claims 1, 3-7, 10-18, and 21-22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nico Mak's computing, Inc, WinZip Version 7.0 ("Nico Mak") in view of "Go inside WinZip 7.0," by Tom O'Connell ("O'Connell"). Applicant respectfully traverses this rejection.

***Both Nico Mak and O'Connell Fail to Teach Various Features of Claim 1***

Nico Mak and O'Connell, which both discuss WinZip 7.0, fail to teach various features of claim 1. WinZip 7.0, as presented in Nico Mak and O'Connell, is not comparable to the system for describing and extracting application information claimed in claim 1. For example, neither reference shows, teaches, or suggests a self-extracting auto-migration package, a console configured to scan a computer, or an application interface file.

The cited references do not teach the self-extracting auto-migration package recited in claim 1. According to the Examiner, the self-extracting auto-migration package is "any .ZIP file created by WinZip 7.0." *Page 4*. However, the Examiner's cursory analysis fails to address that the self-extracting auto-migration package is configured to "update said second version of said application program with said files

and settings of a first version.” In other words, the claimed self-extracting auto-migration package updates a second version of an application program with files and settings of a first version.

Applicant is unable to find anything in the cited references that shows, teaches, or suggests that a .ZIP file is capable of updating a second version of an application program with files and settings of a first version. Instead, O’Connell teaches that “when you extract a [.ZIP] file, it is placed by default in the folder you last extracted to.” *Page 4*. Neither O’Connell nor Nico Mak teaches or suggests that extracting the contents of a .ZIP file into a default folder is comparable to updating a second version of an application program with files and settings of a first version.

Applicants also note that the specification teaches that Self-exTRACTing Auto-Migrate Packages (STAMPs) contain “the intelligence needed to write files to the appropriate destination and to make the appropriate registry changes.” *Paragraph 77*. Nothing in Nico Mak or O’Connell shows, teaches, or suggests that .ZIP files contain intelligence needed to write files to the appropriate destination and/or to make the appropriate registry changes. Claim 1 distinguishes over Nico Mak and O’Connell for at least this reason.

Both Nico Mak and O’Connell also fail to teach a console configured to scan a computer. The Examiner makes numerous statements about how the references show the claimed console, but the Examiner does not support these statements with any evidence from the references. For example, the Examiner states that “these features provided when starting doing the WinZip application, and it does exactly the same as the ‘consol’ of this present application.” *Page 2*. However, the Examiner does not show how WinZip is “exactly the same” as the claimed console.

The Examiner states “a console in communication with said application interface file, said console configured to scan said first computer for said files and settings to be migrated to said second computer’, clearly is very common, standard, and in public use, and it reads, expressly or inherently, on the WinZip application.” *Page 2.* This analysis draws a conclusion with no support from the cited references. The Examiner does not address, and the cited references do not teach, how the WinZip application is in communication with an application interface file or how the WinZip application scans a computer for files and settings to be migrated to the second computer. Claim 1 distinguishes over Nico Mak and O’Connell for at least these reasons.

Nico Mak and O’Connell also fail to teach an application interface file. As recited in claim 1, an application interface file “identif[ies] how to convert said settings from said first version to said second version of said application program.” According to the Examiner, an application interface file “is in a self extract WinZip file, sent from a computer to another computer, this file provides the features as discussed in WinZip Version 7.0 of Nico Mak, such as an .ini file or using registry.” *Page 4.* Applicant is unable to find anywhere that Nico Mak teaches that a .ini file (or any other file) identifies how to convert settings from a first version of an application program to a second version of an application program. O’Connell does not remedy this deficiency of Nico Mak. Therefore, claim 1 distinguishes over the cited references for at least this reason.

As the prior analysis illustrates, Nico Mak and O’Connel do not show, teach, or suggest that WinZip is capable of updating a version of an application on a second computer with files and settings of a version of the application on a first computer. In

contrast, claim 1 recites a package “configured to update said second version of said application program with said files and settings of said first version,” where the first version of the application program is “resident on . . . said first computer system” and the second version of the application program is “resident on . . . said second computer system.” Thus, claim 1 is directed to updating an application program on one computer with files and settings associated with an application program from another computer. The cited references do not address this feature of claim 1.

Applicant therefore submits that claim 1 clearly distinguishes over any permissible combination of Nico Mak and O’Connell. Claims 4-7 and 10-18 depend from claim 1 and are allowable for at least the same reasons that claim 1 is allowable. Thus, Applicant requests withdrawal of the rejections of claims 1, 4-7, and 10-18 and submits that these claims are in condition for allowance.

*Both Nico Mak and O’Connell Fail to Teach Various Features of Claim 3*

Nico Mak and O’Connell fail to teach various features of claim 3. For example, neither reference shows, teaches, or suggests the claimed “personality package.” As recited in claim 3, the personality package comprises “user settings, user preferences, application programs, and data files.” The Office Action does not clearly identify, and Applicant is unable to find, where these features are disclosed in the cited references.

Nico Mak and O’Connell also fail to teach “generating an error if said destination application versions do not match,” as recited in claim 3. With respect to this feature of claim 3, the Examiner states that “where installing error is generated based on the Windows operating system, the act of getting application version specifics is only a manual act performed by a user.” *Page 5*. The reasoning behind this conclusion is unclear, as is how this conclusion applies to claim 3. Furthermore,

Applicant is unable to find support for the Examiner's statement in either of the cited references.

Applicant therefore submits that claim 3 clearly distinguishes over any permissible combination of Nico Mak and O'Connell. Claims 21 and 22 depend from claim 3 and are allowable for at least the same reasons that claim 3 is allowable. Thus, Applicant requests withdrawal of the rejections of claims 3, 21, and 22, and submits that these claims are in condition for allowance.

*Nico Mak does not disclose the executable program recited in claim 4*

As previously noted, claim 4 depends from claim 1 and distinguishes over Nico Mak and O'Connell for at least the same reasons that claim 1 distinguishes over these references. Claim 4 further distinguishes over Nico Mak and O'Connell by reciting that the console further comprises "an executable program that scans for environment settings and files to be migrated and builds said self-extracting auto-migration packages."

The Examiner's rejection of claim 4 is unclear. With respect to claim 4, the Examiner states, "Nico Mak discloses the WinZip with Drag and Drop, 'File Properties' for creating self-extractor packages." Page 5. It is unclear how the Examiner's statement relates to "an executable program that scans for environment settings and files to be migrated" or an executable program that "builds said self-extracting auto-migration packages." Applicant submits that neither Nico Mak nor O'Connell teaches an executable program "capable of scanning for environment settings and files and building a self-extracting auto-migration package," as recited in claim 4.

*Nico Mak does not disclose a console edit function recited in claim 5*

As previously noted, claim 5 depends from claim 1 and distinguishes over Nico Mak and O'Connell for at least the same reasons that claim 1 distinguishes over these references. Claim 5 further distinguishes over Nico Mak and O'Connell by reciting that the console comprises an edit function. With respect to claim 5, the Examiner states, "Nico Mak discloses WinZip which is adaptable to a standard Window like Window 95, editable by a 'File Properties.'" *Page 5*. It is unclear how a "standard Window" is relevant to the edit function recited in claim 5. Applicant submits that neither Nico Mak nor O'Connell teaches the edit function recited in claim 5.

*The Office Action does not clearly address the features of claim 6*

As previously noted, claim 6 depends from claim 1 and distinguishes over Nico Mak and O'Connell for at least the same reasons that claim 1 distinguishes over the these references. Claim 6 further distinguishes over Nico Mak and O'Connell by reciting that the console further comprises "a filter for determining which settings and file types are to be included in said self-extracting auto-migration package." The Office Action states, "With regard to limitation of Claim 6, see all commands shown in page 2." *Page 5*. It is unclear to which reference the Office Action refers. Furthermore, it is unclear how any of the commands in Nico Mac or O'Connell are comparable to the filter recited in claim 6.

*The Office Action does not clearly address the features of claim 13*

As previously noted, claim 13 depends from claim 1 and distinguishes over Nico Mak and O'Connell for at least the same reasons that claim 1 distinguishes over these references. Claim 13 further distinguishes over Nico Mak and O'Connell by reciting that "said self-extracting auto-migration package includes an operating system conversion capability." The Office Action states, "With regard to limitation of Claim

13, Buttons EXTRACT in the ZIP file.” *Page 6*. It is unclear how the extract button in WinZip is related to the operating system conversion capability recited in claim 13. Applicant submits that both Nico Mak and O’Connell fail to teach the operating system conversion capability recited in claim 13.

*The Office Action does not clearly address the features of claim 14*

As previously noted, claim 14 depends from claim 1 and distinguishes over Nico Mak and O’Connell for at least the same reasons that claim 1 distinguishes over the cited references. Claim 14 further distinguishes over Nico Mak and O’Connell by reciting that “said self-extracting auto-migration package includes disk space verification.” The Office Action states, “With regard to limitation of claim 14, associated with Windows commands.” *Page 6*. It is unclear which commands in the cited references are related to disk space verification. Applicant submits that both Nico Mak and O’Connell fail to teach a self-extracting auto-migration package with disk space verification.

*The Office Action does not clearly address the features of claim 21*

As previously noted, claim 21 depends from claim 3 and distinguishes over Nico Mak and O’Connell for at least the same reasons that claim 3 distinguishes over the cited references. Claim 21 further distinguishes over Nico Mak and O’Connell by reciting “determining whether said file is a shell link” and “if said file is a shell link, adding said file to a shell link list.” The Examiner argues that the “shell link is part of the Windows operating system,” but fails to point to any teaching or suggestion of “determining whether said file is a shell link” or “adding said file to a shell link list” if the file is a shell link. Applicant submits that both Nico Mak and O’Connell fail to

teach “determining whether said file is a shell link” and “adding said file to a shell link list,” as recited in claim 21.

*The Office Action does not clearly address the features of claim 22*

As previously noted, claim 22 depends from claim 3 and distinguishes over Nico Mak and O’Connell for at least the same reasons that claim 3 distinguishes over these references. Claim 22 further distinguishes over Nico Mak and O’Connell by reciting “updating shell links in said destination computer using said shell link list.” With respect to this feature, the Examiner states that “WINZIP 7.0 or WINZIP are embedded in Windows, where shell links is part of the Windows operating system.” *Page 7*. The Examiner’s statement does not address the functionality of updating shell links in a destination computer using shell link lists. Furthermore, neither Nico Mak nor O’Connell teaches updating shell links in a destination computer using a shell link list, as recited in claim 22.

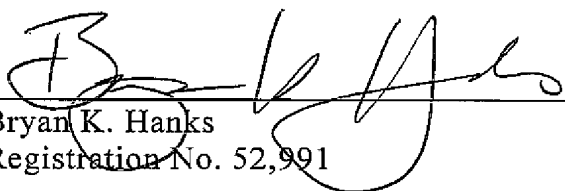


**CONCLUSION**

For at least the foregoing reasons, Applicant believes that each of the presently pending claims in this application is in immediate condition for allowance. Accordingly, Applicant respectfully requests a favorable action on the merits. If the Examiner has any further comments or suggestions, Applicant invites the Examiner to contact the undersigned attorney to expedite the handling of this matter.

Respectfully submitted,

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